

OCT 07 2008

PUBLIC SERVICE  
COMMISSION

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

<b>APPLICATION OF KENTUCKY</b>	)	
<b>UTILITIES COMPANY FOR AN</b>	)	<b>CASE NO. 2008-00251</b>
<b>ADJUSTMENT OF BASE RATES</b>	)	

**In the Matter of:**

<b>APPLICATION OF KENTUCKY</b>	)	
<b>UTILITIES COMPANY TO FILE</b>	)	<b>CASE NO. 2007-00565</b>
<b>DEPRECIATION STUDY</b>	)	

**PETITION OF KENTUCKY UTILITIES COMPANY  
FOR CONFIDENTIAL PROTECTION FOR RESPONSE TO DATA REQUEST  
OF LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**

Kentucky Utilities Company (“KU” or “Applicant”) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 7, and KRS 61.878(1)(c) to grant confidential protection for the items described herein, which Applicant seeks to provide in response to Lexington-Fayette Urban County Government’s Second Request to KU No. 5 (“LFUCG Request No. 5”). In support of this Petition, Applicant states as follows:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878(1)(c). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors of the party seeking confidentiality.

2. LFUCG Request No. 5 asks KU to provide the cost of installing each type of public streetlight, as well as, the cost of labor, materials, equipment and other miscellaneous expenses associated with the same. LFUCG also asks KU to provide copies of contractual documents for each type of light fixture and pole. This information and these documents are

commercially sensitive and therefore merit confidential protection because KU believes that revealing their contents in the public record will harm KU's ability to obtain truly competitive bids from lighting contractors and vendors for similar products and services in the future.

3. The Commission has recognized the confidential nature of similar information in the past. For example, the Commission has traditionally given confidential protection to similar information, e.g., coal bid analysis information, in KU's fuel adjustment clause review proceedings. (A February 27, 2008 letter from the Commission granting such protection in a recent KU fuel adjustment clause review proceeding, Case No. 2007-00524, is also attached hereto.) Likewise, in Case No. 2007-00278 the Commission granted confidential protection to a report that contained KU's coal costs. (The Commission's November 15, 2007 letter granting confidential protection is also attached hereto.)

4. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect KU's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

5. KU will disclose the confidential documents, pursuant to a protective agreement, to intervenors and others with a legitimate interest in this information and as required by the Commission. In accordance with the provisions of 807 KAR 5:001 Section 7, the Applicants herewith file with the Commission one copy of the above-discussed documents on yellow paper and ten (10) copies of its response without the confidential documents.

**WHEREFORE**, Kentucky Utilities Company respectfully requests that the Commission grant confidential protection for the information at issue, or in the alternative, schedule an

evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Dated: October 7, 2008

Respectfully submitted,



Kendrick R. Riggs  
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500 West Jefferson Street  
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Allyson K. Sturgeon  
Senior Corporate Attorney  
E.ON U.S. LLC  
220 West Main Street  
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Telephone: (502) 627-2088

Counsel for Kentucky Utilities Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Joint Petition for Confidential Protection was served via U.S. mail, first-class, postage prepaid, this 7th day of October 2008 upon the following persons:

Dennis G. Howard II  
Lawrence W. Cook  
Assistant Attorneys General  
Office of the Attorney General  
Office of Rate Intervention  
1024 Capital Center Drive, Suite 200  
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Stites & Harbison, PLLC  
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Louisville, KY 40202

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Lexington-Fayette Urban County Government  
Department of Law  
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Counsel for Kentucky Utilities Company



Steven L. Beshear  
Governor

Robert D. Vance, Secretary  
Environmental and Public  
Protection Cabinet

Timothy J. LeDonne  
Commissioner  
Department of Public Protection

Commonwealth of Kentucky  
Public Service Commission  
211 Sower Blvd.  
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February 27, 2008

Mark David Goss  
Chairman

John W. Clay  
Vice Chairman

Caroline Pitt Clark  
Commissioner

Hon. Kendrick R. Riggs  
Hon. W. Duncan Crosby III  
STOLL KEENON OGDEN, PLLC  
2000 PNC Plaza, 500 W. Jefferson St.  
Louisville, Kentucky 40202-2838

Hon. Allyson K. Sturgeon  
E.ON U.S. LLC  
220 West Main Street  
Louisville, Kentucky 40202

Re: Kentucky Utilities Company's Petition for Confidentiality  
PSC Case No. 2007-00524

Gentlemen and Ms. Sturgeon:

The Public Service Commission has received Kentucky Utility Company's Petition for confidential treatment requesting to protect as confidential, certain information in its Response to Item 17 of the Commission's Order of January 23, 2008. This information is identified in the Petition as pertaining to coal bid analysis information.

Based upon a review of the information, I have determined that it is entitled to the protection requested on the grounds relied upon in the Petition and should be withheld from public inspection.

If the information becomes publicly available or no longer warrants confidential treatment, Kentucky Utilities Company is required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

Sincerely,

Beth O'Donnell,  
Executive Director

kg/  
cc: Parties of Record



Ernie Fletcher  
Governor

Teresa J. Hill, Secretary  
Environmental and Public  
Protection Cabinet

Timothy J. LeDonne  
Commissioner  
Department of Public Protection

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Mark David Goss  
Chairman

John W. Clay  
Vice Chairman

Caroline Pitt Clark  
Commissioner

November 15, 2007

Kendrick R. Riggs  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202-2828

RE: KU Petition for Confidentiality  
Case No. 2007-00278

Dear Mr. Riggs:

The Commission has received your petition filed November 6, 2007, to protect as confidential the Report of Weir International, Inc. which is part of a supplemental response to Post-Hearing Data Request No. 2. A review of the information has determined that it is entitled to the protection requested on the grounds relied upon in the petition, and it will be withheld from public inspection.

If the information becomes publicly available or no longer warrants confidential treatment, you are required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

Sincerely,

Beth O'Donnell  
Executive Director

cc: Parties of Record